

Applicants : Scott C. Young et al.
Appln. No. : 10/061,699
Page : 2

REMARKS

Claims 1-20 remain present in this application, all of which have been rejected. In the present Office Action, claims 1-2, 4, 6-8, 10-11, 13, 15 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Marshall Brass Part No. F21B34 (hereinafter F21B34) in view of U.S. Patent No. 946,025 (hereinafter Elvin); claims 3 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over F21B34 in view of Elvin and in further view of U.S. Patent No. 3,376,053 (hereinafter Novakovich); claims 5 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over F21B34 in view of Elvin and in further view of U.S. Patent No. 2,373,253 (hereinafter Martin); claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over F21B34 in view of Elvin and in further view of U.S. Patent No. 5,305,785 (hereinafter Humber); claims 17, 18 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over F21B34 in view of Elvin, in further view of Humber and in still further view of Novakovich; and claim 19 was rejected under 35 U.S.C. §103(a) as being unpatentable over F21B34 in view of Elvin, in further view of Humber and in still further view of Novakovich and Martin.

At the outset, Applicants note that Applicants' claimed fitting addresses the need for a fitting that can readily be fixed with respect to a support structure that also mitigates alignment problems, while at the same time providing a reliable leak proof connector between the fitting and associated connecting pipes.

With respect to the rejection of claims 1-2, 4, 6-8, 10-11, 13, 15 and 16, Applicants agree that the F21B34 document does not disclose a fitting whose ears include an aperture for receiving a fastener for securing a threaded nut to a stationary support. However, Applicants do not agree that F21B34, in combination with Elvin, teaches such a fitting. As is set forth in Applicants' prior reply, the nut of the F21B34 termination is designed to rotate to allow an installer to secure the termination to an external fitting. If the nut of the F21B34 termination is provided with apertures in its ears (as suggested by the Examiner), to allow the F21B34 termination to be mounted to a support, such as a wall, the F21B34 termination would be

Applicants : Scott C. Young et al.
Appln. No. : 10/061,699
Page : 3

inoperable (i.e., the nut would no longer turn), as the installer could not rotate the nut to secure the termination to an external fitting. Further, rotating an external fitting to secure the F21B34 termination (modified in this manner) to the external fitting changes the principal of operation of the F21B34 termination. Applicants note that Elvin is merely directed to a flexible pipe joint that functions to connect two pipe sections. Applicants submit that Elvin does not teach "a threaded nut (7) that is threadedly attached to an external stationary member or support (3) in order to permit attachment of a pipe (4)," as is asserted by the Office Action.

The Elvin flexible pipe joint includes a nut 7 that is secured to a socket 3 by a cotter pin 8 that is received through holes in a peripheral lug 7b (on the nut 7) and flange 3b (on the socket 3). More specifically, a pipe section 2 is joined to a pipe section 4 by the Elvin flexible pipe joint.

As is best shown in Fig. 1, the nut 7 is locked in position by a split pin or a cotter 8 after being threaded to a proper bearing tightness. However, the nut 7 is not configured to be attached to a support structure. For the foregoing reasons, Applicants submit that the 35 U.S.C. §103(a) rejection, based upon the combination of F21B34 and Elvin, is improper and should be withdrawn.

With reference to MPEP §2143.01, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention, when there is some teaching, suggestion or motivation to do so, found either explicitly or implicitly in the references themselves or the knowledge generally available to one of ordinary skill in the art. Neither the F21B34 drawing or Elvin explicitly or implicitly includes any teaching, suggestion or motivation to combine. Further, as noted above, the Examiner's rationale for the combination renders the F21B34 termination inoperable and changes its principal of operation. As such, Applicants again submit that the Examiner's conclusion of obviousness must be based upon impermissible hindsight reasoning and that the rejection is based upon knowledge gleaned only from Applicants' disclosure and does not establish a level of ordinary skill in the art at the time the claimed invention was made. Further, the arguments made above are equally applicable to the rejection of independent claim 17. For at least these reasons, independent

Applicants : Scott C. Young et al.
Appln. No. : 10/061,699
Page : 4

claims 1, 10 and 17 are allowable. Additionally, claims 2-9, 11-16 and 18-20 depend upon allowable claims and, for at least this reason, are also allowable.

Applicant respectfully submits that this reply is fully responsive to the above-referenced Office Action.

CONCLUSION

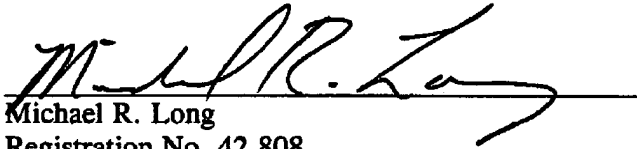
For all of the foregoing reasons, Applicant respectfully submits that claims 1-20 are allowable. If the Examiner has any questions or comments with respect to this reply, the Examiner is invited to contact the undersigned at (616) 949-9610.

Respectfully submitted,

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